

IC 12-17

ARTICLE 17. CHILDREN'S SERVICES

IC 12-17-1

Chapter 1. Destitute Children

IC 12-17-1-1

Eligibility for assistance

Sec. 1. The county office shall provide assistance under this chapter to a destitute child who is living in a suitable foster family home or institution conforming to the standards of care and health under Indiana law and the division's rules.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.131; P.L.5-1993, SEC.144.

IC 12-17-1-2

Amount of assistance

Sec. 2. The county office shall determine the amount of assistance to be granted to a destitute child. In determining the amount under rules adopted by the division director, the county office shall consider the following:

- (1) The resources and necessary expenditures of the child.
- (2) The conditions existing in each case.
- (3) Whether the amount is sufficient when added to all other income and support available to provide the child with a reasonable subsistence.

However, a Holocaust victim's settlement payment received by the child may not be considered a resource of the child by the county office when determining the amount of assistance for the destitute child.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.132; P.L.5-1993, SEC.145; P.L.128-1999, SEC.24.

IC 12-17-1-3

Total amount; limits; exceptions

Sec. 3. The total amount that the county office pays to a destitute child under section 2 of this chapter, other than for medical expenses, may not exceed the designated amount per day established by the rules of the division, except:

- (1) as otherwise provided in this chapter; or
- (2) for additional amounts established by the division's rules.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.133; P.L.5-1993, SEC.146.

IC 12-17-1-4

Immediate needs provision; excessive needs provision; adjustment

Sec. 4. (a) Whenever a child is initially determined to be eligible for assistance as a destitute child under this chapter, the county office under the division's rules may provide for the child's immediate needs.

(b) If the child's needs exceed the designated amount per day established by the division's rules, the county office may provide assistance to the child if the deduction is made within six (6) months from the date of any payment from future allowances so that the average allowances will not exceed the designated amount per day established by the division's rules.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.134; P.L.5-1993, SEC.147.

IC 12-17-1-5

Total amount paid for child in licensed child caring institution; exceptions

Sec. 5. (a) The total amount paid to a destitute child being cared for in a licensed child caring institution, other than for medical expenses, may not exceed the designated amount per day established by the division's rules, except:

- (1) as otherwise provided in this chapter; or
- (2) as established by the division's rules.

(b) Additional amounts established by the division's rules may not exceed the maximum amounts established by the Social Security Act (42 U.S.C. 602) or supplementary or related acts as the basis for reimbursement from federal money.

As added by P.L.2-1992, SEC.11.

IC 12-17-1-6

Medical care recipients; effect upon total amount of assistance paid

Sec. 6. (a) If a destitute child is determined to be in need of medical care, payment for necessary care may be included in the award to the recipient, even if the following exist:

- (1) Payment for the care may increase the amount of the award in excess of the maximum amounts otherwise allowed by this chapter.
- (2) Payment for the care, regardless of maximum monthly limitations in this chapter, is to be made directly to the person, corporation, association, institution, or agency furnishing the care.

(b) Direct payments under subsection (a) may be made during the lifetime of the child either:

- (1) before or after the child reaches the maximum age for destitute children; or
- (2) after the death of the child, for care furnished before the child reaches the maximum age for destitute children.

(c) Each county office shall establish and submit for review and approval by the division a plan for furnishing necessary medical care, adjusted to the medical facilities and the needs in the county.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.135; P.L.5-1993, SEC.148.

IC 12-17-1-7

Application for assistance

Sec. 7. An application for assistance for a destitute child under this chapter must be made to the county office of the county in which the destitute child resides. The application must be in writing. The division shall prescribe the manner and the form upon which the application must be made.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.136; P.L.5-1993, SEC.149.

IC 12-17-1-8

Higher education award; effect upon eligibility for assistance

Sec. 8. Except as provided by federal law, if an individual receives a state or federal higher education award that is paid directly to an approved institution of higher learning (as defined in IC 20-12-21-3) for the individual's benefit:

- (1) the individual is not required to report the award as income or as a resource of that individual when applying for assistance for a destitute child under this chapter; and
- (2) the award must not be considered income or a resource of the individual in determining eligibility for assistance to a destitute child under this chapter.

As added by P.L.2-1992, SEC.11.

IC 12-17-1-9

Investigation; record

Sec. 9. Whenever the county office receives notice of a child's application or need for assistance, the county office shall promptly conduct an investigation and make a record regarding the child's circumstances to determine the following:

- (1) The need of the child.
- (2) The facts supporting the application made under this chapter.
- (3) Any other information that the division's rules require.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.137; P.L.5-1993, SEC.150.

IC 12-17-1-10

Eligibility; amount; payment; schedule

Sec. 10. (a) Upon the completion of an investigation under section 9 of this chapter, the county office shall do the following:

- (1) Determine whether the child is eligible for assistance under this chapter and the division's rules.
- (2) Determine the amount of the assistance and the date on which the assistance is to begin.
- (3) Make an award, including any subsequent modification of the award, with which the county office shall comply until the award or modified award is vacated.
- (4) Notify the applicant and the division of the county office's decision in writing.

(b) The county office shall provide assistance to the recipient at least monthly upon warrant of the county auditor. The assistance

must be:

- (1) made from the county family and children's fund; and
- (2) based upon a verified schedule of the recipients.

(c) The director of the county office shall prepare and verify the amount payable to the recipient, in relation to the awards made by the county office. The division shall prescribe the form upon which the schedule under subsection (b)(2) must be filed.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.138; P.L.5-1993, SEC.151; P.L.273-1999, SEC.89.

IC 12-17-1-11

Necessities account

Sec. 11. (a) The county office may establish an account for a child if the county office determines the account is necessary or beneficial to the child's welfare.

(b) The county office shall pay to a designated person from the account under subsection (a) an amount needed for the child's food, clothing, shelter, and other necessities.

(c) The balance of the remaining amount under subsection (b) that exceeds the child's immediate needs:

- (1) may be credited to the child's account for a period of not more than six (6) months; and
- (2) must be used for the child's benefit as the need arises;

if necessary records are maintained and payment is made for the destitute child under the division's rules.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.139; P.L.5-1993, SEC.152.

IC 12-17-1-12

Certificate in support of award

Sec. 12. (a) If assistance is granted to a destitute child under this chapter, facts supporting the award of assistance, as prescribed by the division, must be entered on a certificate.

(b) The division shall prescribe the form for the certificate under subsection (a). The certificate must bear the impress of the division's seal.

(c) The county office shall prepare four (4) copies of the certificate under subsection (a). The county office shall distribute copies of the certificate as follows:

- (1) One (1) copy must be retained by the office of the county office.
- (2) One (1) copy must be filed with and retained by the division.
- (3) One (1) copy must be filed with and retained by the office of the county auditor.
- (4) One (1) copy must be given to the recipient.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.140; P.L.5-1993, SEC.153.

IC 12-17-1-13

Reconsideration of amount

Sec. 13. (a) Whenever a destitute child receives assistance under this chapter, the county office shall reconsider whether the assistance is to continue as frequently as:

- (1) the division's rules require; or
- (2) the county office considers necessary.

(b) After an investigation, the county office or the division may change or withdraw the amount of assistance if the division or the county office finds that the child's circumstances have altered sufficiently to warrant the action.

(c) The county office may revoke or suspend the assistance if the child becomes ineligible for assistance under this chapter or suspends the assistance, the county office shall immediately do the following:

- (1) Report the decision to the division.
- (2) Submit to the division the county office's record of investigation regarding the county office's decision.

(d) The division shall review each county office's decision to revoke or suspend assistance under this section.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.141; P.L.5-1993, SEC.154.

IC 12-17-1-14**Support; application of law**

Sec. 14. If the county office determines after an investigation that a child upon whose behalf an application for assistance has been made is:

- (1) a destitute child; and
- (2) living or is expected to live in a foster family home or an institution meeting the requirements of this chapter;

assistance may be allowed for the support of the child without complying with any Indiana law other than this chapter.

As added by P.L.2-1992, SEC.11. Amended by P.L.4-1993, SEC.142; P.L.5-1993, SEC.155.

Repealed

(Repealed by P.L.273-1999, SEC.124.)

IC 12-17-1-16**Eligibility for other relief**

Sec. 16. A destitute child is eligible for other relief under Indiana law that the child requires, unless the child's needs are provided for by this chapter.

As added by P.L.2-1992, SEC.11.